

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff(s),)
)
vs.) Case No. 4:09CR54 JCH
)
THOMAS JAMES WARNER,)
)
Defendant(s).)

ORDER

This matter is before the Court on Defendant's pre-trial Motion to Dismiss Counts I and II of the Indictment [Doc. No. 13], Motion for Disclosure of Expert Testimony [Doc. No. 14], Request for Notice of Intent to Use 404(b) Evidence and for Hearing on Admissibility of 404(b) Evidence [Doc. No. 15], Motion to Sever Defendants [Doc. No. 16], and Motion to Suppress Physical Evidence [Doc. No. 17]. Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Mary Ann L. Medler, who filed a Report and Recommendation on March 19, 2009. Neither party submitted objections to the Report and Recommendation. After de novo review of the entire record in this matter, the Court adopts the Magistrate Judge's recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [Doc. No. 20] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss Counts I and II of the Indictment [Doc. No. 13] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Disclosure of Expert Testimony [Doc. No. 14] is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's Request for Notice of Intent to Use 494(b) Evidence and for Hearing on Admissibility of 404(b) Evidence [Doc. No. 15] is **DENIED** as moot.

IT IS FURTHER ORDERED that Defendant's Motion to Sever Defendants [Doc. No. 16] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Physical Evidence [Doc. No. 17] is **DENIED**.

Dated this 22nd day of May, 2009.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE